

REMARKS

This Response responds to the Office Action dated March 6, 2009 in which the Examiner rejected claims 20-39 under 35 U.S.C. § 103.

Claims 20-24, 26-34 and 36-39 were rejected under 35 U.S.C. §103 as being unpatentable over *Inoue, et al.* (U.S. Patent No. 6,163,843) in view of *Brightman, et al.* (U.S. Patent No. 7,100,020).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the claims and allows the claims to issue.

Brightman, et al. was filed May 7, 1999 claiming priority from provisional application No. 60/084,706 filed on May 8, 1998. Upon review of the electronic file for the provisional application, Applicant respectfully submits that nowhere in this application is Figure 1 disclosed. Therefore, Figure 1 can only claim priority to May 7, 1999 which is after Applicant's priority date of May 12, 1998. Therefore, Applicant respectfully submits that *Brightman, et al.* is not a proper reference. Applicant respectfully requests the Examiner withdraws the rejection to claims 20-24, 26-34 and 36-39 under 35 U.S.C. § 103.

Claims 25 and 35 were rejected under 35 U.S.C. § 103 as being unpatentable over *Inoue, et al.* and *Brightman, et al.* and further in view of *Takeda, et al.* (U.S. Patent No. 6,178,244).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since *Brightman, et al.* is not a proper reference, Applicant respectfully requests the Examiner withdraws the rejection to claims 25 and 35 under U.S.C. § 103.

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus, it now appears that the Application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

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By: 

Ellen Marcie Emas
Reg. No. 32,131
(202) 292-1530